

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

DONNIE R. GOODMAN)
Plaintiff,)
v.) Civil Action No. 1:16-cv-0002-MFU-PMS
NORFOLK SOUTHERN RAILWAY)
COMPANY, et al.,)
Defendants.

PLAINTIFF'S DEPOSITION DESIGNATIONS OF TRIAL TESTIMONY

Now COMES Plaintiff, DONNIE R. GOODMAN by and through his attorneys CRAIG W. CHURCH, MATTHEW F. LIEBERT, and HOEY & FARINA, P.C. and for his Designates the following Trial Deposition Testimony:

1. For **Ladonna Osborne**, FNP-BC, Plaintiff designates the following to be read to the jury at the trial of this matter. *See Deposition of Ladonna Osborne, FNP-BC attached hereto as Exhibit 1.*

- 4:15 – 5:20
- 43:10 – 12
- 43:22 – 45:1
- 47:7 – 48:19
- 49:11 – 12
- 49:21 – 50:11
- 51:13 – 14
- 52:3 – 53:10
- 56:6 – 9
- 56:23 – 57:5
- 57:8 – 11
- 57:13 – 17
- 57:20 – 21

- 57:23

Defendants' Objections for ruling from Plaintiff's Designations of the Deposition of Ladonna Osborne:

- 56:10 – 15, beyond the scope of redirect, by counsel for Norfolk Southern
- 57:6 – 7, beyond the scope of redirect, by counsel for Norfolk Southern
- 57:18, beyond the scope of redirect, by counsel for Norfolk Southern

Plaintiff's Objections for ruling from Defendants' direct-examination of Ladonna Osborne:

- 35:19 – 22, questions regarding document that is not part of Ms. Osborne's medical file, by counsel for Plaintiff. (Subject to motion *in limine*).
- 36:9 – 10, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 37:5, foundation, form, by counsel for Plaintiff. (Subject to motion *in limine*).
- 38:19 – 20, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 39:21, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 41:15 – 16, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).

2. For **Leonardo Kapural, M.D., Ph.D.**, Plaintiff designates the following to be read to the jury at the trial of this matter. *See* Deposition of Leonardo Kapural, M.D., Ph.D *attached hereto* as Exhibit 2.

- 5:14 – 6:24
- 7:8 – 12:17
- 12:22 – 14:19
- 14:23 – 18:24
- 19:7 – 21:10
- 21:15 – 18
- 22:4 – 24:5
- 24:14 – 25:21
- 26:5 – 11
- 26:14 – 17
- 26:19 – 27:3
- 27:7 – 22
- 28:2 – 3
- 28:5 – 29:2
- 29:6 – 8
- 29:11 – 18
- 29:21 – 30:9

- 30:16 – 18
- 30:20 – 31:8
- 31:12 – 14
- 31:18 – 21
- 32:1 – 3
- 32:6 – 33:19
- 33:23 – 24
- 34:1 – 2
- 34:5 – 18
- 56:18 – 57:12

Defendants' Objections for ruling from Plaintiff's Designations of the Deposition of Leonardo Kapural:

- 12:18 – 20, move to strike nonresponsive to the question, by counsel for Norfolk Southern.
- 14:20 – 21, move to strike nonresponsive to the question, by counsel for Norfolk Southern.
- 25:22 – 26:2, form, beyond scope of disclosures. He was identified and testified consistent with his medical records, and he does not have a causation opinion in his medical records, by counsel for Norfolk Southern.
- 26:12, same objection, by counsel for Norfolk Southern.
- 26:18, same objection, by counsel for Norfolk Southern.
- 27:5 -6, form, by counsel for Norfolk Southern.
- 27:23 - 24, beyond scope of disclosures, by counsel for Norfolk Southern.
- 28:4, same objection, by counsel for Norfolk Southern.
- 29:3 – 4, asked and answered, by counsel for Norfolk Southern.
- 29:9 – 10, beyond the scope of what's been asked, by counsel for Norfolk Southern.
- 29:19, asked and answered, by counsel for Norfolk Southern.
- 30:12 – 14, form, leading, confusing, lack of foundation, by counsel for Jewell Defendants.
- 31:9 – 10, asked and answered, by counsel for Jewell Defendants.
- 31:15 – 16, asked and answered, by counsel for Jewell Defendants.
- 31:23 - 24, object to line of questioning as cumulative and redundant, by counsel for Jewell Defendants.
- 32:4, same objection, by counsel for Jewell Defendants.
- 33:20 – 22, form, by counsel for Norfolk Southern and counsel for Jewell Defendants.
- 34:3 – 4, same objection, by counsel for Norfolk Southern and counsel for Jewell Defendants.

Plaintiff's Objections for ruling from Defendants' cross-examination of Leonardo Kapural:

- 54:22, foundation, speculation, by counsel for Plaintiff.

3. For **Dr. Chauncey Santos.**, Plaintiff designates the following to be read to the jury at the trial of this matter. *See* Deposition of Dr. Chauncey Santos *attached hereto* as Exhibit 3.

- 36:4 – 45:24
- 46:6
- 46:16 – 18
- 46:20 – 24
- 46:2 – 47:24
- 48:3 – 4,
- 48:10 – 56:20
- 57:1 – 2
- 57:24 – 58:20
- 59:3 – 15
- 59:18 – 60:6
- 60:11 – 13
- 60:17 – 61:6
- 61:10 – 12
- 61:15 – 62:15
- 62:24 – 63:2
- 63:5 – 12
- 63:15 – 19
- 63:22
- 69:22 – 23
- 70:1 – 6
- 70:11 – 18
- 70:22 – 71:2
- 71:6 – 8
- 71:11 – 72:2
- 72:5 – 12
- 72:15 – 21
- 72:23 – 24
- 73:4 – 74:11
- 74:14 – 20
- 74:23 – 75:7
- 75:12 – 15
- 75:18 – 19
- 75:21 – 76:2
- 76:4 – 23

- 77:2 – 6
- 77:9 – 10
- 77:12

Defendants' Objections for ruling from Plaintiff's Designations of the Deposition of Dr. Chauncey Santos:

- 46:1 – 2, form, hearsay, by counsel for Norfolk Southern.
- 46:19, same objection, by counsel for Norfolk Southern.
- 47:1, same objection, by counsel for Norfolk Southern.
- 48:1 – 2, form, by counsel for Norfolk Southern.
- 56:21 – 22, form, by counsel for Norfolk Southern.
- 58:21 – 22, form, by counsel for Norfolk Southern.
- 59:16 – 17, form, by counsel for Norfolk Southern.
- 63:13 – 15, form, lack of foundation, by counsel for Norfolk Southern.
- 63:20 - 21, form, by counsel for Norfolk Southern.
- 70:7 – 8, asked and answered, beyond the scope, by counsel for Norfolk Southern.
- 70:19 – 20, beyond the scope, by counsel for Norfolk Southern.
- 71:3 – 4, beyond the scope, by counsel for Norfolk Southern.
- 71:9 – 10, form, beyond the scope, by counsel for Norfolk Southern.
- 72:3 – 4, form, hearsay, beyond the scope, by counsel for Norfolk Southern.
- 72:13 – 14, form, beyond the scope, by counsel for Norfolk Southern.
- 72:22, form, hearsay, beyond the scope, by counsel for Norfolk Southern.
- 74:12 – 13, form, by counsel for Norfolk Southern.
- 74:21 – 22, form, beyond the scope, by counsel for Norfolk Southern.
- 75:8 – 9, asked and answered, beyond the scope, by counsel for Norfolk Southern.
- 75:16, same objection, by counsel for Norfolk Southern.
- 75:20, same objection, by counsel for Norfolk Southern.
- 76:3, same objection, by counsel for Norfolk Southern.
- 76:24 – 77:1, form, beyond the scope, by counsel for Norfolk Southern.
- 77:7, same objection, by counsel for Norfolk Southern.
- 77:11, same objection, by counsel for Norfolk Southern.

Plaintiff's Objections for ruling from Defendants' direct-examination of Dr. Chauncey Santos:

- 8:10, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 12:1, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 13:22, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 30:18 – 19, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 31:1, same objection, by counsel for Plaintiff. (Subject to motion *in limine*).
- 32:3, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 35:2, foundation, by counsel for Plaintiff.

- 64:9, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 64:15, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 64:24, form, by counsel for Plaintiff.
- 65:16, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 65:24, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 66:24, form, by counsel for Plaintiff.
- 67:6, form, beyond the scope, by counsel for Plaintiff.
- 67:17, form, by counsel for Plaintiff.
- 68:2, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 68:13, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 68:23, form, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).
- 69:6, foundation, by counsel for Plaintiff. (Subject to motion *in limine*).

Plaintiff reserves the right to supplement or amend his designations based on any designations made by Defendants or rulings by the court.

DATED this 9th day of May, 2017

Respectfully submitted,
Donnie Goodman, Plaintiff

By: /s/:Craig W. Church

CRAIG W. CHURCH IL ARCD # 6193337
MATTHEW F. LIEBERT IL ARCD # #6313358
HOEY & FARINA, P.C.
542 South Dearborn, Suite 200
Chicago, IL 60605
Telephone: 312-939-1212
Facsimile: 312-939-7842
E-Mail: cchurch@hoeyparina.com
mliebert@hoeyparina.com

JOHN E. JESSEE VSB # 39684
JESSEE, READ, & HOWARD, P.C.
200 West Valley Street
P.O. Box 1506
Abingdon, Virginia
Telephone: 276-628-1089
Facsimile: 276-628-2411
E-Mail: jessee@bvu.net

CERTIFICATE OF SERVICE

The undersigned certifies that on this 9th day of May 2017, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will provide an electronic copy to the following attorneys;

Matthew P. Pritts
Woods Rogers, PLC
10 South Jefferson Street, Suite 1400
Roanoke, Virginia 24038
E-Mail: pritts@woodsrogers.com

Shawn A. Voyles
McKenry Dancigers Dawson, P.C.
192 Ballard Court, Suite 400
Virginia Beach, Virginia 23462
E-Mail: savoyles@va-law.org

/s/:Craig W. Church

CRAIG W. CHURCH IL ARCD # 6193337
MATTHEW F. LIEBERT IL ARCD # #6313358
HOEY & FARINA, P.C.
542 South Dearborn, Suite 200
Chicago, IL 60605
Telephone: 312-939-1212
Facsimile: 312-939-7842
E-Mail: cchurch@hoeyparina.com
mliebert@hoeyparina.com

JOHN E. JESSEE VSB # 39684
JESSEE, READ, & HOWARD, P.C.
200 West Valley Street
P.O. Box 1506
Abingdon, Virginia
Telephone: 276-628-1089
Facsimile: 276-628-2411
E-Mail: jjessee@bvu.net